



P21840.A03

Application No. 10/032,558

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eun-lai CHO et al.

Group Art Unit : 1774

Appl. No. : 10/032,558

Examiner: Gray

Filed : January 2, 2002

For : PROCESS FOR PREPARING INDUSTRIAL
POLYESTER MULTIFILAMENT YARN

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TC 1700

ELECTION WITH TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the requirement for restriction under 35 U.S.C. 121 mailed from the U.S. Patent and Trademark Office on July 7, 2003, which sets a one month period for response until August 7, 2003.

Applicants note that this response is being submitted prior to the expiration of the initial due date of August 7, 2003, whereby an extension of time and an extension of time fee are not required for maintaining the pendency of the application. However, if any government fees are required for maintaining the pendency of this application, including any extension of time fees, this response expressly requests and authorizes that any such required fee be charged to Deposit Account No. 19-0089.

Reconsideration and withdrawal of the requirement for restriction are respectfully requested in view of the remarks which follow:

RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1 and 2, drawn to a process, classified in class ~~264~~ 264, subclass 211+.
- II. Claims 2 (apparently claim 3), drawn to a polyester fiber, classified in class 428, subclass 395.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group I, claims 1 and 2, with traverse.

TRAVERSE

Notwithstanding the election of the claims of Group I in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

Initially, it is noted that the requirement for restriction omits one of the two criteria of a proper requirement as now established by U.S. Patent and Trademark Office policy, as set forth in MPEP 803, viz. that "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if a restriction were not required. Due to the aforementioned omission, it is respectfully submitted that the requirement for restriction is improper and, consequently, its withdrawal is respectfully requested.

Related to this, the requirement is traversed since there would not appear to be a serious burden to examine Applicants' application in total, and for which the appropriate claim fees have been paid. Applicants submit that it would be no serious burden on the Examiner to examine all of the pending claims, because a search for all of the claims in the above-identified application, should be made in order to do a complete and thorough search in view of the recognized relationship between the claims in Groups I and II. In particular, the treated cord is include in a claim that is dependent upon claim 1 which is included in the Group I claims.

In view of the foregoing, it is respectfully requested that the Examiner seriously reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application.

CONCLUSION

For the reasons discussed above, it is respectfully submitted that the requirement for restriction is improper and should be withdrawn.

Withdrawal of the requirement for the restriction with the examination of all claims pending in this application is respectfully requested.

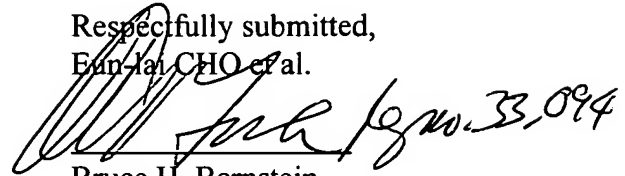
Favorable consideration with early allowance of the pending claims is most earnestly requested.

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If the Examiner has any questions, or wishes to discuss this matter, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
Eun-ai CHO et al.

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", is written over a horizontal line.

Bruce H. Bernstein
Reg. No. 29,027

August 7, 2003
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Attorney Docket No. P21840

In re application of : Eun -lai CHO et al.

Mail Stop Non-fee

Serial No. : 10/032,558

Group Art Unit: 1774

Filed : January 2, 2002

Examiner: Gray

For : PROCESS FOR PREPARING INDUSTRIAL POLYESTER MULTIFILAMENT

Mail Stop Non-Fee
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Sir:

Transmitted herewith is an election with traverse in the above-captioned application.

- ___ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.
___ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
___ A Request for Extension of Time.
X No additional fee is required.

The fee has been calculated as shown below:

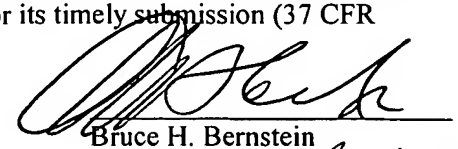
Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 3	*20	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 1	**3	0	x 42=	\$	x 84=	\$0.00
Multiple Dependent Claims Presented			+140=	\$	+280=	\$0.00
Extension Fees for Month				\$		\$0.00
Total:				\$	Total:	\$0.00

*If less than 20, write 20

**If less than 3, write 3

___ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A Check in the amount of \$_____ to cover the *filing/extension* fee is included.X The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.X Any additional filing fees required under 37 C.F.R. 1.16.X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136) (a)(3)


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